

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13332 of Paul Houston and Kathleen Padgen, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the prohibition against allowing an addition to a non-conforming structure which now exceeds the allowable percentage of lot occupancy (Paragraph 7107.21) to construct an addition to an existing semi-detached dwelling which is a non-conforming structure in an R-4 District at the premises 545 4th Street, S.E., (Square 795, Lot 824).

HEARING DATE: September 17, 1980
DECISION DATE: October 1, 1980

FINDINGS OF FACT:

1. The subject property is located on the west side of 4th Street, between G Street and South Carolina Avenue and is known as 545 4th Street, S.E. It is in an R-4 District.
2. The subject property is twenty feet wide and fifty feet deep. It is improved with a two story, two bedrooms, single family semi-detached dwelling. It is the end house in a row of five townhouses.
3. The subject dwelling is non-conforming in that it exceeds the forty percent lot occupancy by 196.51 sq.feet. The lot area is 1000 square feet and the rear yard measures 5.41 feet in depth.
4. The applicant proposes to construct a second story rear addition over the now existing one story rear addition that constitutes the kitchen. The first floor addition was built prior to the current Zoning Regulations. The proposed addition will not increase the lot occupancy. It will serve as a bedroom and allow one of the existing bedrooms to be converted into a den.
5. There was a petition signed by twelve residents living on 4th and G Streets in favor of the application, including the owners and/or residents of the abutting property to the rear and both sides.
6. There was one letter in opposition to the application from the owner of the adjacent property to the north of the subject premises, stating that the lot will be overcrowded and the building would adversely affect the premises at 454 4th Street. The Board in reviewing the building plans noted that the property to the north of the applicant's extends at the ground floor level to a point approximately ten feet from the rear lot line which is the depth of the applicant's patio courtyard. The applicant has an "L" shaped projection of 5.85

feet on the second floor which the adjacent property owner does not have. If the applicant's plans were modified so that the second story addition extended as far as the courtyard area and was not extended out over the "L" shaped bathroom, then the light and air of the neighbor's backyard would not be blocked. The recommendation was agreeable to the applicant.

7. There was an additional letter of opposition from the agent for the owners of 531 4th Street. No grounds for the opposition were stated.

8. Advisory Neighborhood Commission 6B recommended that the application be approved. The Board concurs.

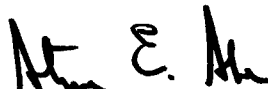
CONCLUSIONS OF LAW:

Based on the record the Board concludes that the applicant is seeking an area variance the granting of which requires a showing of a practical difficulty inherent in the property itself. The Board notes the smallness of the lot and the small rear yard. The Board further notes that the existing first floor rear addition was constructed prior to the current Zoning Regulations and that the proposed second story addition will not increase the lot occupancy. The Board concludes that the practical difficulty is inherent in the property. The Board further concludes that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan if the rearmost portion of the addition is deleted. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the condition that the alcove projection of 5.85 feet on the second floor plan as shown on the plan marked as Exhibit 7, of the record be removed.

VOTE: 4-0 (Theodore F. Mariani, Connie Fortune, Charles Norris and William F. McIntosh to grant, Leonard L. McCants not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 31 OCT 1980

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLES WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.